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10/678,514

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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3663

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/678,514 | <b>Applicant(s)</b><br>ADAMS ET AL. |  |
|                              | <b>Examiner</b><br>RONNIE MANCHO     | <b>Art Unit</b><br>3663             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. In view of the appeal brief filed on 2/13/08, PROSECUTION IS HEREBY REOPENED. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Reopening of prosecution is required as new art is cited and applicant's arguments with regard to the "wireless identification tag" overcome the prior art rejections. Any inconvenience to the applicant is again regretted.

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al (2002/0169539)

Regarding claim 1, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111, 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose a position detection device (300, sec. 0110, 0111, 0113, 0141), comprising:

one or more memories (sec. 0089, 0116) that store a set of position points defining assigned respective locations within one or more physical areas (sec. 0110, 0113, 0141);

a communication interface (figs. 13, 14; secs. 0100-0102, etc) for communicating with one or more signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc), wherein each of said one or more signal sources (100E, 100F) is located at one of the assigned locations (sec. 0110, 0113, 0114, 0119) proximate to the position detection device (300; figs. 13, 14), each of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) comprising at least one wireless identification tag (sec. 0110, 0114, 0113, 0116; etc) that is stimulated by at least one signal sent from the communication interface (figs. 13, 14; secs. 0100-0102, etc) and that returns the information to the communication interface (figs. 13, 14; secs. 0100-0102, etc);

a path process (sec. 0110, 0113, 0137, 0141) that defines one or more paths connecting one or more of the position points in response to a user query (sec. 0078, 0083, 0084), the path process further accessing the information from one or more of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) to determine a progress of the position detection device

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(300, sec. 0110, 0111, 0113, 0141) through the physical area as defined by the path (sec. 0110, 0113, 0137, 0141); and

an interface (display; secs. 0136, 0137) that communicates the progress of the position detection device through the physical area to the user.

Regarding claim 2, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the device, as in claim 1, wherein the physical area includes any one or more of the following: a street, an interior of a building, a transit station, a retail store, and a town (sec. 0141).

Regarding claim 3, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the device, as in claim 1, wherein the information includes non-position information (direction, landmarks, velocity, text description, secs. 0140, 0141, etc) about the respective location.

Regarding claim 4, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the device, as in claim 3, where the non-position information includes any one or more of the following information types:

a building name, an address, a surname, a business name, a work place, a hotel, a restaurant, a civic directory, a performance program, a residence address, a directory of occupants, a set of directions to a next location, a warning, a designation of one or more obstacles, a route, a public announcement, a government notice, tourist information, and exhibit information (secs. 0140. 0141).

Regarding claim 5, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the device as in claim 1,

wherein the interface further comprises a tactile map interface that updates a tactile map to indicate a current user position and at least one direction to a destination (secs. 0140, 0141).

Regarding claim 6, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111, 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the device as in claim 5, wherein the interface further comprises a speech synthesis module that converts the progress from text to audio.

Regarding claim 7, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111, 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose a method for determining a position of a user comprising the steps of:

storing in a memory (sec. 0089, 0116) a set of position points (col. 16, lines 24-53)  
defining assigned locations within one or more physical areas (sec. 0110, 0113, 0141);

communicating (figs. 13, 14; secs. 0100-0102, etc) with one or more signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) located at one or more of the assigned locations (sec. 0110, 0113, 0114, 0119) proximate to a position detection device (300; figs. 13, 14), each of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) having information about the respective assigned location (sec. 0110, 0113, 0114, 0116, 0119), each of the signal sources (100E, 100F; figs. 12, 13) comprising at least one radio frequency identification tag (sec. 0110, 0114, 0113, 0116; etc) stimulated by at least one signal sent from a communication interface (figs. 13, 14; secs. 0100-0102, etc) and that returns the information to the communication interface (figs. 13, 14; secs. 0100-0102, etc);

defining one or more paths (sec. 0110, 0113, 0137, 0141) connecting one or more of the position points in response to a user query (sec. 0078, 0083, 0084);

accessing the information from one or more of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) to determine a progress of the position detection device (300, sec. 0110, 0111, 0113, 0141) through the physical area as defined by the path (sec. 0110, 0113, 0137, 0141); and

communicating (display; secs. 0136, 0137) the progress of the position detection device through the physical area to the user (sec. 0110, 0113, 0137, 0141).

Regarding claim 8, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the method as in claim 7, wherein the step of communicating further comprises the step of updating a tactile map to indicate a current user position and at least one direction to a destination.

Regarding claim 9, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the method as in claim 8, wherein the step of communicating further comprises the step of converting the progress from text to audio.

Regarding claim 10, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose a system for determining a position of a user comprising:

means (figs. 12, 13) for storing in a memory (sec. 0089. 0116) a set of position points (col. 16, lines 24-53) defining assigned respective locations within one or more physical areas (sec. 0110, 0113, 0141);

means (figs. 12, 13) for communicating with one or more signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) located at one of the respective locations (sec. 0110,

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0113, 0114, 0119) proximate to a position detection device (300; figs. 13, 14), each of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) having information about the respective location, each of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) comprising at least one radio frequency wireless identification tag (sec. 0110, 0114, 0113, 0116; etc) stimulated by at least one signal sent from a communication interface (figs. 13, 14; secs. 0100-0102, etc) and that returns the information to the communication interface (figs. 13, 14; secs. 0100-0102, etc);

means (display; secs. 0136, 0137, 0140, 0141) for defining one or more paths connecting one or more of the position points in response to a user query (sec. 0078, 0083, 0084);

means (figs. 12, 13) for accessing the information from one or more of the signal sources (100E, 100F; figs. 12, 13; sec. 0083, 0084, 0100, etc) to determine a progress of the position detection device (300; figs. 13, 14) through the physical area as defined by the path (sec. 0110, 0113, 0137, 0141); and

means (display; secs. 0136, 0137, 0140, 0141) for communicating the progress through the physical area to the user (sec. 0110, 0113, 0137, 0141).

Regarding claim 11, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the system as in claim 10, wherein the means for communicating further comprises a means for updating a tactile map to indicate a current user position and directions to a destination.

Regarding claim 12, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111. 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the method as in claim 11,

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wherein the means for communicating further comprises means for converting the progress from text to audio.

Regarding claim 13, Menard et al (abstract; secs. 0083, 0084, 0086, 0089, 0090, 0100, 0109 to 0111, 0113, 0116, 0119, 0137-0141; figs. 12, 13, 14) disclose the device as in claim 1, wherein the wireless identification tag includes any one or more of the following: a radio frequency transmitter, an infrared transmitter, and a radio frequency identification tag (sec. 0110, 0114, 0113, 0116; etc).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Communication***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3663

4/25/2008

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663